

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, November 17, 2015**

Council Members Bud Otis, President; M.C. Keegan-Ayer, Vice-President; Tony Chmelik, Treasurer; Kirby Delauter, Jerry Donald, Jessica Fitzwater, and Billy Shreve were present for the meeting.

Also present were Ragen Cherney, Council Chief of Staff; Michael Chomel, County Attorney's Office; Joyce Grossnickle, Office of the County Executive, and Patti Morrow, Recording Secretary.

Council President Otis called the meeting to order at 4:30 p.m. in the first floor hearing room, Winchester Hall, 12 East Church Street, Frederick, Maryland.

The meeting began with a moment of silence followed by the recitation of the Pledge of Allegiance led by Girl Scout Troop 81850.

Council Member Keegan-Ayer moved to approve the agenda as presented. Council Member Chmelik seconded the motion that passed 6-1 with Council Member Shreve opposed.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve		X	
Presiding Officer - Otis	X		

CONSENT AGENDA

The following items were considered on the consent agenda:

- #BT-16-101 – State's Attorney's Office
- #BT-16-105 – Housing and Community Development, Citizens Services Division
- Board of Education Current Expense Fund Amendments #1-16 and #2-16

Council Member Keegan-Ayer moved to approve the consent agenda as presented. Council Member Fitzwater seconded the motion that passed 6-0-1 with Council Member Shreve abstained.

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Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve			X
Presiding Officer - Otis	X		

Business Items:

Approval of Minutes – September 22, September 29, October 6, October 13 and October 20, 2015

Council Member Keegan-Ayer moved to approve the minutes for September 22, September 29, October 6, October 13, and October 20, 2015, as presented. Council Member Chmelik seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

Affirm the Confirmation of the County Executive's Appointees – Joyce Grossnickle, Office of the County Executive

Ms. Grossnickle presented the appointments recently made by County Executive Gardner. Ms. Grossnickle requested the Council's confirmation of the appointments as presented.

Human Relations Commission

Council Member Keegan-Ayer moved to confirm the appointments of Mr. Adam Book to fill an unexpired term to expire June 30, 2016, and Ms. Debi Peeks and Ms. Marguerite Vacca-Kaye to fill unexpired terms to expire June 30, 2018. Council Member Fitzwater seconded the motion that passed 7-0.

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Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

Social Services Board

Council Member Keegan-Ayer moved to confirm the appointments of Mr. John Ford to fill an unexpired term to expire June 30, 2017, and Mr. Dwight (Skip) Palmer and Ms. Christine Wasner to fill unexpired terms to expire June 30, 2018. Council Member Chmelik seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

Sustainability Commission

Council Member Keegan-Ayer moved to confirm the appointments of Ms. Jennifer Bird and Dr. Kevin Sellner to fill unexpired terms to expire June 30, 2018. Council Member Donald seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

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Proposed Resolution to Revise the Charter and Bylaws of the Fire and Rescue Advisory Board – Tom Owens, Fire and Rescue Services Division and Wendy Kearney, Office of the County Attorney

Mr. Owens and Ms. Kearney presented the request.

Council Member Keegan-Ayer moved to approve the proposed resolution as presented. Council Member Donald seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

(A copy of the approved/adopted resolution can be obtained from the county's website, www.FrederickCountyMD.gov.)

Reconsideration of Approval for Case #WS-15-08, Beshers Land Company Number Two, LLC (Approved by County Council on Tuesday, November 3, 2015) – Council President Bud Otis

Council Member Otis swore in all those who would testify.

The following staff participated in the discussion of Case #WS-15-08: Mr. Mike Marschner, Office of the County Executive; Mr. Kevin Demosky, Utilities and Solid Waste Management Division; Ms. Kathy Mitchell and Ms. Wendy Kearney, Office of the County Attorney; and Mr. Tim Goodfellow, Permitting and Planning Division.

Mr. Bruce Dean, Esquire, Linowes and Blocher; and Mr. Galen Clagett, Clagett Enterprises, representing the applicant, and Mr. Eric Beshers, the applicant, commented on the request.

There were no public comments.

Council Member Keegan-Ayer moved to deny #WS-15-08 to reclassify 119 acres from No Planned Service (NPS) to S-5 Dev. based on the written agreement that obligated the county to provide a sewer stub; it did not obligate the county to provide service for development of the property and the property is located outside of a Community Growth Area and is not within a public water or sewer service area. Council Member Fitzwater

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seconded the motion that passed 4-3 with Council Members Chmelik, Delauter, and Shreve opposed.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik		X	
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter		X	
At-large - Otis			
At-large - Shreve		X	
Presiding Officer - Otis	X		

(A copy of the approved/adopted resolution can be obtained from the county's website, www.FrederickCountyMD.gov.)

Motion to go into Closed Session

Maryland Annotated Code General Provisions Article §3-305(b): (4) To consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State.

Topic: To discuss an incentive request from a business considering a location in Frederick County – “Project Azalea.”

Council Member Keegan-Ayer moved to go into closed session. Council Member Fitzwater seconded the motion that passed 6-1 with Council Member Shreve opposed.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve		X	
Presiding Officer - Otis	X		

Public Comments

None.

Council Comments

Comments were provided by the Council Members.

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Adjourn

The meeting adjourned at 6:30 p.m.

Bud Otis, President
County Council

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF TUESDAY, NOVEMBER 17, 2015**

STATUTORY AUTHORITY TO CLOSE SESSION

Maryland Annotated Code General Provisions Article §3-305(b): (4) To consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State.

Motion:

Upon a motion by Council Member Keegan-Ayer, seconded by Council Member Fitzwater, the Council voted 6-1, with Council Member Shreve opposed, to go into closed session in accordance with Maryland Annotated Code General Provisions Article §3-305(b): (4) To consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State.

Time and Location:

6:35 p.m. – Council Conference Room, Winchester Hall

Topic to be Discussed:

To discuss an incentive request from a business considering a location in Frederick County – “Project Azalea.”

Bud Otis, President
County Council

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, NOVEMBER 24, 2015,
FOLLOWING THE CLOSED MEETING OF TUESDAY, NOVEMBER 17, 2015**

STATUTORY AUTHORITY TO CLOSE SESSION

Maryland Annotated Code General Provisions Article §3-305(b): (4) To consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State.

Motion:

Upon a motion by Council Member Keegan-Ayer, seconded by Council Member Fitzwater, the Council voted 6-1, with Council Member Shreve opposed, to go into closed session in accordance with Maryland Annotated Code General Provisions Article §3-305(b): (4) To consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State.

Time and Location:

6:35 p.m. – Council Conference Room, Winchester Hall

Others in Attendance:

J. Mathias, M. Chomel, H. Propheter, and R. Cherney.

Topic to be Discussed:

To discuss an incentive request from a business considering a location in Frederick County – “Project Azalea.”

Action Taken:

No action was taken.

Bud Otis, President
County Council